

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License)	
to Conduct Gambling Activities of:)	NO. CR 2010-00649
)	
Thongkhanh Phonethipsavath)	NOTICE OF ADMINISTRATIVE
Pasco, Washington,)	CHARGES AND OPPORTUNITY
)	FOR AN ADJUDICATIVE
)	PROCEEDING
Licensee.)	
_____)	

I.

The Washington State Gambling Commission issued Thongkhanh Phonethipsavath the following license:

Number 68-15937, Authorizing Card Room Employee activity with Cable Bridge Casino in Kennewick.

The license expires on January 21, 2011, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) On December 20, 2009, the licensee was charged with Simple Assault, Domestic Violence. This charge was amended to Disorderly Conduct. In May 2010, the licensee was convicted of Disorderly Conduct.
- 2) As a result of the Domestic Violence incident, a Domestic Violence No Contact Order was filed against the licensee on December 28, 2009, because the court found the licensee "a credible threat to the victim."
- 3) In March 2010, the licensee was charged with Violation of Court Order. The licensee violated the No Contact Order when he was involved in a domestic disturbance with the same female from the December 20, 2010, Domestic Violence incident. In April 2010, the licensee was convicted of Violation of a Court Order and sentenced to two years of probation. This conviction demonstrates the licensee's failure to comply with court orders. Additionally, the licensee failed to disclose this charge and conviction to Commission staff, in violation of WAC 230-06-085.
- 4) In May 2005, the licensee was charged with Domestic Violence, Fourth Degree. In June 2005, the licensee pled guilty to Assault, Domestic Violence, which is a crime of physical harm to an individual. The licensee was sentenced to 365 days in jail, with 360 days suspended for two

years and five days on a work crew. In October 2005, the licensee was sentenced to an additional two days in jail for failure to comply with the court-ordered treatment requirements. The licensee's actions demonstrate his failure to comply with court orders.

5) The licensee did not disclose his 2005 arrest or conviction on any of his renewal applications received by Commission staff since 2005,¹ in violation of WAC 230-06-085.

6) The licensee's criminal history, his failure to disclose his criminal history, and his failure to comply with court orders demonstrates that he poses a threat to the effective regulation of gaming. The licensee has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).

7) Therefore, under RCW 9.46.075(1), (4), (7), and (8) and WAC 230-03-085(1), (2), (3), (5), (7), and (8), grounds exist to revoke Thongkhanh Phonethipsavath's license.

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission;

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

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¹ Commission staff received the licensee's renewal (or new application if licensee did not renew by expiration date) applications on January 9, 2006, December 26, 2006, January 22, 2008, January 8, 2009, and January 19, 2010.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or
- (2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person;
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level;
- (5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4);
- (7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us;
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

WAC 230-06-085 Report criminal actions filed.

- (1) Licensees must report to us in writing within thirty days all criminal actions filed against the licensee, any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization.
- (2) We must receive a copy of the final written decision or settlement within thirty days after the case is resolved.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

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Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)



RICK DAY, DIRECTOR

Margaret Probst Communications and Legal Department
Washington State Gambling Commission

My commission expires on June 16, 2013

